

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anuj Thapa,

Plaintiff,

v.

St. Cloud Orthopedic Associates, Ltd.,

Defendant.

Case No. 19-cv-2568 (TNL)

ORDER

Before the Court is the parties' Stipulation to Defer Post-Trial Motions Pending Outcome of New Trial, ECF No. 249 ("Stipulation"). The parties ask the Court to defer resolution of their post-trial motions, ECF Nos. 161¹ and 187, pending the outcome of the new trial on non-economic damages which is set for September 23, 2024. ECF No. 249 at 1. *See also* ECF No. 248.

On December 11, 2023, Plaintiff rejected the Court's offered remittitur. *See* ECF No. 242. Therefore, Plaintiff's post-trial Motion to Amend Judgement to Include Interest, ECF No. 187, is now premature and moot because interest will be determined after the new trial on non-economic damages. Defendant's post-trial Ex Parte Motion for Determination of Collateral Sources, ECF No. 161, is still pending because the collateral source determination relates to economic medical damages.

¹ The Stipulation incorrectly refers to the wrong ECF number with respect to Defendant's motion. Defendant's motion is found at ECF No. 161.

For the convenience of the parties, in the interest of judicial economy, and consistent with the practical effect of the Stipulation if it were granted in full, the Court denies without prejudice the post-trial motions (ECF Nos. 161 and 187) and directs the parties to refile their respective post-trial motions as necessary after the new trial set for September 23, 2024 has concluded.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The parties' Stipulation, ECF No. 249, is **GRANTED IN PART** and **DENIED IN PART WITHOUT PREJUDICE**.
2. Defendant's Ex Parte Motion for Determination of Collateral Sources, ECF No. 161, is **DENIED WITHOUT PREJUDICE**.
3. Plaintiff's Motion to Amend Judgment to Include Interest, ECF No. 187, is **DENIED WITHOUT PREJUDICE**.
4. Denial of those motions, ECF Nos. 161 and 187, shall not constitute waiver of any arguments asserted in those motions; and all substantive rights, claims, and defenses of the parties with respect to those motions are preserved.
5. The parties shall refile their respective motions as necessary following the non-economic damages trial set for September 23, 2024, in the timeframe permitted by the rules applicable to amendment of judgment and collateral offsets. If refiled as set forth herein, any such refiled motion(s) shall be deemed timely made.

[Continued on next page.]

Dated: February 9, 2024

s/ Tony N. Leung

Tony N. Leung
United States Magistrate Judge
District of Minnesota

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